

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3026
	)	
V.	)	
	)	MEMORANDUM AND ORDER
LOWELL BAISDEN,	)	
	)	
Defendant.	)	

The government has moved to continue the pretrial motion deadline currently set for May 20, 2010. Filing No. 19. The government explains it needs additional time to submit a brief in response to defendant Michael Koning's Motion to Sever in Case No. 4:09cr3031 and to seek a Motion to Consolidate Mr. Baisden's case in 4:09cr3031, the above-captioned case, and 4:10cr3025. Defense counsel does not object to the requested continuance.

The defendant has moved to continue the pretrial motion deadline currently set for May 20, 2010, and the trial set for June 21, 2010. Filing No. 19. Defense counsel explains additional time is needed "so that the Government's position may be known regarding Baisden's three cases and so that Baisden may make reasonable decisions about how he will proceed on each of his three Indictments." Filing No. 20. The defendant further moves to continue the trial, and asks the court to designate this case as complex, (18 U.S.C. § 3161(h)(7)(B)(ii)), and therefore excluded from the limits and calculation of time under the Speedy Trial Act. The government does not oppose the defendant's motion.

Based on the showing set forth in the parties' motions, the court finds the motions should be granted.

Accordingly,

IT IS ORDERED:

- 1) The government's unopposed Motion to Extend Time, (filing no.19), is granted, and the government's pretrial motions shall be filed on or before May 27, 2010.
- 2) The defendant's unopposed motion, (filing no. 20), is granted, and the defendant's pretrial motions shall be filed on or before June 30, 2010.
- 3) The trial of this case is continued pending resolution of any pretrial motions filed.
- 4) Upon the representations of counsel by motion and at the time of the defendant's arraignment, and based on the court's background knowledge of the type of case now pending against the defendant, voluminous records are at issue in this case. The court finds the case is "unusual and complex" so as to require its exemption from the time restrictions of the Speedy Trial Act, (18 U.S.C. § 3161(h)(7)(B)(ii)).

DATED this 21st day of May, 2010.

BY THE COURT:

S/ Cheryl R. Zwart

United States Magistrate Judge